

FAX or Internet

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of
Priority Mail Parcel 9505516897362179056040
addressed to Nate Chamberlain PO BOX 178
Supai AZ 86435

Case No. 22-4236 mb

ELECTRONICALLY ISSUED SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer.

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of Arizona.

(identify the person or describe the property to be searched and give its location): USPS Priority Mail parcel bearing USPS tracking number 9505516897362179056040, addressed to "Nate Chamberlain, PO BOX 178 Supai, AZ 86435," with a return address of "Anita Benavidez 9855 Hwy 66 Kingman, AZ 86401." It is a brown Uhaul medium cardboard box; measuring approximately 18 X 18 X 16 inches; weighing approximately 44lbs 7.8 oz; postmarked June 28, 2022; and bearing \$52.25 in postage. This parcel is referred to as SUBJECT PARCEL 1.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): **See Attachment A.**

I find that the affidavit(s), or any recorded testimony, have been communicated by reliable electronic means and establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

July 20, 2022

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the search warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave a search warrant copy and receipt at the place where the property was taken

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Any U.S. Magistrate Judge in the District of Arizona .

(Name)

☐ I find that immediate notification may have an adverse result as specified in 18 U.S.C. §3103a (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of

Date and Time Issued: _____

Camille D. Bibles

Digitally signed by Camille D. Bibles

Date: 2022.07.06 16:34:22 -07'00'

Judge's Signature

City and State: Flagstaff, Arizona

Camille D. Bibles, United States Magistrate Judge

ATTACHMENT A

**THINGS TO BE SEARCHED FOR AND
SEIZED FROM THE SUBJECT PARCEL**

1. The subject parcel/package described in the search warrant.
2. Any postage and packaging (e.g., paper, labels, plastic bags, or sealers) and associated receipts.
3. Any fireworks, including firecrackers, roman candles, bottle rockets, smoke grenades, and sparklers.
4. Any other inflammable material or explosives (e.g., gunpowder or devices that appear to contain or use gunpowder or an explosive), as well as any containers or additional packaging for same.
5. Any receipts or evidence of purchase for the inflammable material or explosives, including fireworks.
6. Any indicia of ownership and/or who was the sender and/or recipient of the package, such as anything with the owner's, sender's, and/or recipient's name and/or address on it.

FAX or Internet

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of:
Priority Mail Parcel 9505516897362179056040 addressed
to Nate Chamberlain PO BOX 178 Supai AZ 86435

Case No. 22-4236 mb

(Original To Be Filed With Court)

ELECTRONIC APPLICATION FOR SEARCH WARRANT

I, the undersigned, a federal law enforcement officer, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on and within the following person or property:

USPS Priority Mail parcel bearing USPS tracking number 9505516897362179056040, addressed to "Nate Chamberlain, PO BOX 178 Supai, AZ 86435," with a return address of "Anita Benavidez 9855 Hwy 66 Kingman, AZ 86401." It is a brown Uhaul medium cardboard box; measuring approximately 18 X 18 X 16 inches; weighing approximately 44lbs 7.8 oz; postmarked June 28, 2022; and bearing \$52.25 in postage. This parcel is referred to as SUBJECT PARCEL 1.

located in the _____ District of _____ Arizona _____, there is now concealed:

See Attachment A.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Sections
18 U.S.C. § 1716(a) and (j)(1)Offense Descriptions
Inflammable Materials or Explosives Non-Mailable

The application is based upon the following facts:

- ☒ Continued on the attached sheet (see attached Affidavit).
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days) days: is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by: /s/ AUSA Paul Stearns

Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 6, 2022

☒ Sworn by Telephone

Date/

Time:

City and State: Flagstaff, Arizona



Applicant's Signature

Aaron E. Behnen, Postal Inspector, USPIS

Printed Name and Title

Camille D.
Bibles

Digitally signed by Camille D. Bibles

Date: 2022.07.06 16:33:15 -07'00'

Judge's Signature

Camille D. Bibles, United States Magistrate Judge

Printed Name and Title

ATTACHMENT A

**THINGS TO BE SEARCHED FOR AND
SEIZED FROM THE SUBJECT PARCEL**

1. The subject parcel/package described in the search warrant.
2. Any postage and packaging (e.g., paper, labels, plastic bags, or sealers) and associated receipts.
3. Any fireworks, including firecrackers, roman candles, bottle rockets, smoke grenades, and sparklers.
4. Any other inflammable material or explosives (e.g., gunpowder or devices that appear to contain or use gunpowder or an explosive), as well as any containers or additional packaging for same.
5. Any receipts or evidence of purchase for the inflammable material or explosives, including fireworks.
6. Any indicia of ownership and/or who was the sender and/or recipient of the package, such as anything with the owner's, sender's, and/or recipient's name and/or address on it.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY SUBMITTED AFFIDAVIT

I, United States Postal Inspector Aaron E. Behnen, state under oath as follows:

1. I am a Postal Inspector with the United States Postal Inspection Service ("USPIS") and have been so employed since July 2013. I started my law enforcement career with the Anchorage Police Department in February 2006 and worked as a patrol officer until beginning my career with the USPIS. I am currently assigned to the Phoenix Division, Team 0848, and I am responsible for investigating (among other crimes) non-mailable matter involving the United States mails, including, but not limited to, explosive materials and alcohol. I have assisted with and participated in investigations involving the transmission of controlled substances, alcohol, and other non-mailable matter through the United States mails. In October 2013, I completed a 12-week Basic Inspector Training course in Potomac, Maryland, which included training in the investigation of non-mailable matter via the US Mail. In June 2015, I also completed a class taught by the United States Postal Inspection Service regarding the mailing of narcotics. This class included a list of parcel characteristics that the United States Postal Inspection Service has deemed indicative of contraband packaging.

2. The facts set forth in this affidavit are based upon my personal observations, training, experience, and information obtained from other law

enforcement agents and investigators, including those described below. This affidavit is made for the sole purpose of demonstrating probable cause, and it does not purport to set forth all of my knowledge of this investigation.

Parcels to Be Searched

3. This is a common affidavit for search warrants for two separate parcels that were deposited in the United States mail for delivery in Supai, Arizona. It is believed that these parcels contain fireworks, which are nonmailable pursuant to 18 U.S.C. § 1716(a) and (j)(1). In pertinent part, section 1716(a) states: “all explosives, hazardous materials, inflammable materials, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode ... are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any officer or employee of the Postal Service.” 18 U.S.C. § 1716(a). Furthermore, section 1716(j)(1) states, “Whoever knowingly deposits for mailing or delivery ... anything declared nonmailable by this section, unless in accordance with the rules and regulations authorized to be prescribed by the Postal Service, shall be fined under this title or imprisoned not more than one year, or both.” 18 U.S.C. § 1716(j)(1).

4. The first parcel to be searched, which is referred to as the “SUBJECT PARCEL 1,” is a United States Priority Mail 1-Day Parcel, addressed to “Nate Chamberlain PO BOX 178 Supai, AZ 86435,” with a return address of “Anita Benavidez 9855 HWY 66 Kingman AZ 86401,” which had a USPS Retail postage

label created on June 28, 2022, saying it was mailed from ZIP 86434 which is associated to Peach Springs. It is a brown "*Uhaul* Medium" cardboard box measuring approximately 18" x 18" x 16", weighing approximately 44 pounds 7.8 ounces, with the USPS tracking number 9505516897362179056040 on the postage label. SUBJECT PARCEL 1 is currently located at the main United States Post Inspection Service Office at 111 W Monroe St, Suite 900, Phoenix, AZ 85003.

5. The second parcel to be searched, which is referred to as the "SUBJECT PARCEL 2," is a United States Priority Mail 3-Day Parcel, addressed to "Nate Chamberlain PO BOX 178 Supai, AZ 86435," with a return address of "Anita Benavidez 9855 HWY 66 Kingman AZ 86401," which had a USPS Retail postage label created on June 28, 2022, saying it was mailed from ZIP 86434 which is associated to Peach Springs. It is a brown "*Uhaul* Medium" cardboard box measuring approximately 18" x 18" x 16", weighing approximately 43 pounds 7.6 ounces, with the USPS tracking number 9505516897362179056057 on the postage label. SUBJECT PARCEL 2 is currently located at the main United States Post Inspection Service Office at 111 W Monroe St, Suite 900, Phoenix, AZ 85003.

6. The things to be searched for and seized from the parcels are particularly described in Attachment A.

Background

7. The village of Supai is located in the District of Arizona, Coconino County, within the Grand Canyon, and it is the capital of the Havasupai Indian

Reservation. The Havasupai Tribe of the Havasupai Reservation, Arizona Havasupai Indian Tribe is a federally recognized Indian tribe. Supai has a very small population – approximately 500 people. Most of the people who reside in Supai are Native American and are members of the Havasupai Indian Tribe.

8. Based on my training and information provided to me by Bureau of Indian Affairs police officers, Supai is one of the most remote communities in the lower 48 states. The only ways to get into Supai is to take a helicopter, hike, ride a mule or horse along the Havasupai Trail, or possibly raft in from the Colorado River (followed by a lengthy hike). Supai is approximately eight miles from the nearest road, and there are no cars in the community. The trail to Supai starts at Hualapai Hilltop – which is approximately 191 miles from Grand Canyon Village and 66 miles from Peach Springs, Arizona – and Supai is approximately 2,000 feet below Havasupai Hilltop.¹

9. Based on information from BIA police officers in Supai fireworks are typically a significant problem around the 4th of July. Additionally, it is believed that most fireworks are illegal to sell, store, or possess on the Havasupai Indian Reservation under tribal law.

¹ Based on my training, I know that Supai is the only place in the United States where mail is still carried in and out by horses or mules. There is a U.S. Post Office in Supai, Arizona. It is believed that a Nate Chamberlain typically runs the mail to and from Hilltop to Supai.

Investigation/Probable Cause

10. On June 28, 2022, I spoke with a postal employee (DW) at the Peach Springs, AZ U.S. Post Office. DW told me a person who he knows as Anita Benavidez had mailed six parcels earlier in the day, including SUBJECT PARCEL 1 and SUBJECT PARCEL 2. When moving SUBJECT PARCEL 1 AND SUBJECT PARCEL 2, DW observed fireworks in the parcels that were visible through the built-in handle of the boxes. DW sent me photographs that depict objects consistent with labeling and shape of fireworks. One label reads "Big Fireworks" and "Shoots flaming balls." (Based on my training and research, "shoots flaming balls" typically refers to an aerial firework.) The postal employee said the mailer of the parcels has been suspected of mailing non-mailable matter in the past. I instructed DW to send me SUBJECT PARCELS 1 and 2 and to proceed with the delivery of the other four parcels.

11. SUBJECT PARCELS 1 and 2 were intercepted prior to delivery in Supai, AZ, and they were sent to my office in Phoenix, Arizona. SUBJECT PARCEL 1 and SUBJECT PARCEL 2 are currently located at the main United States Post Office at 111 W Monroe St, Suite 900, Phoenix, AZ 85003, which is in the District of Arizona.

12. On July 5, 2022, I received SUBJECT PARCEL 1 and SUBJECT PARCEL 2 at my office. I examined the subject parcels and could see into the built-in handles of the boxes without manipulating the boxes. In SUBJECT PARCEL 1,

I observed an object that read "Big Fireworks." In SUBJECT PARCEL 2, I observed an object that read, in part, "place launcher upright" and "unwrap long fuse on shell." Based on my training and experience, these are descriptions of items I know as fireworks.² Additionally, the text on the objects that I could observe inside the subject parcels appeared to be commercially made (e.g., it was not handwritten). Based on my training and experience, fireworks that are launched (e.g., bottle rockets or roman candles) and/or have a fuse that contain some type of combustible and inflammable material (e.g., gunpowder). Based on my training and research, I know that the explosive used in most fireworks is gunpowder, which is frequently composed of potassium nitrate (saltpeter), sulfur, and charcoal. Gunpowder is nonmailable.

Things to Be Searched for and Seized

13. As described above, the subject parcels are believed to contain fireworks or other inflammable/explosive material all of which are prohibited to be carried and/or sent through the U.S mails under postal statutes. 18 U.S.C. § 1716(a)

² Based on my training, experience, and research, fireworks are a class of low explosive pyrotechnic devices used for aesthetic and/or entertainment purposes. Fireworks take many forms to produce effects such as noise, light, smoke, as well as floating materials (e.g., confetti). They may be designed to burn with colored flames and sparks, including red, orange, yellow, green, blue, purple, and silver. Common fireworks include firecrackers, roman candles, bottle rockets, smoke grenades, and sparklers. Fireworks are flammable and can be dangerous (e.g., sometimes causing injury or even death when ignited).

and (j)(1). Further, by way of example only, the main Post Office in Flagstaff has a sign stating (among other things) that knowingly mailing items that are dangerous or injurious may not be sent through the mails, that there may be criminal penalties, the sign refers to the DMM (Domestic Mail Manual), and it cites Title 18, United States Code, Section 1716.

14. The things to be searched for and seized include the following:

- A. The parcels themselves.
- B. Postage and packaging (e.g., paper, labels, plastic bags or sealers) and associated receipts, which evidences the use of the mails and may also contain evidence (e.g., fingerprints, DNA, and/or writing) that may assist in identifying and/or further identifying those who possessed and/or who mailed the parcel in violation of federal law.
- C. Any firework, inflammable, or explosive materials, as well as any containers or additional packaging for same.
- D. Any receipts or evidence of purchase for the fireworks.
- E. Any indicia of ownership and/or who was the sender and/or recipient of the package, such as anything with the owner's, sender's, and/or recipient's name and/or address on it.
- F. The things to be searched for and seized are further described in Attachment A.


Conclusion

15. Based on the foregoing, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of criminal offenses (i.e., 18 U.S.C. § 1716(a)) are within the parcels described above.

16. Thus, I respectfully request the issuance of separate search warrants for SUBJECT PARCEL 1 and SUBJECT PARCEL 2. The things to be searched for and seized are specifically described in Attachment A.


Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

July 6/2022
Executed on (Date)


Aaron E. Behnen
Postal Inspector, USPIS

X Sworn by Telephone

Date/Time: _____

Camille D. Bibles Digitally signed by
Camille D. Bibles
Date: 2022.07.06
16:33:49 -07'00'

Camille D. Bibles
United States Magistrate Judge